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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**LORI WAKEFIELD**, individually and on  
behalf of all others similarly situated,

Plaintiff,  
v.

**VISALUS, INC.**, a Nevada corporation,

Defendant.

**Case No.: 3:15-cv-01857-BR**

**UNOPPOSED MOTION FOR AN  
ORDER ALLOWING PLAINTIFF  
TO FILE DOCUMENTS UNDER  
SEAL**

## **LR 7.1 CERTIFICATION**

The undersigned counsel certifies that they have conferred with counsel for Defendant ViSalus, Inc. (“Defendant” or “ViSalus”) about this Unopposed Motion, and is authorized to state that Defendant agrees to the requested relief.

## **MOTION**

Pursuant to Local Rules 3-7(b), 5-5(b), and 26-4(c), as well as the Stipulated Protective Order entered on April 14, 2016 (Dkt. 49), Plaintiff Lori Wakefield (“Plaintiff”) hereby requests, without opposition from Defendant ViSalus, an order granting Plaintiff permission to file certain exhibits attached in support of Plaintiff’s Renewed Motion and Memorandum in Support of Motion for Class Certification (the “Motion”) and a non-redacted version of the Motion under seal.

## **MEMORANUDM OF LAW**

In support of this Unopposed Motion, Plaintiff respectfully states as follows:

1. Plaintiff has prepared and intends to file a Renewed Motion and Memorandum in Support of Motion for Class Certification.
2. Plaintiff intends to attach as exhibits to the Motion nine (9) documents and one (one) portion of a document, for a total of ten (10) exhibits, in addition to the non-redacted version of the Motion, that should be partially redacted and/or filed under seal.
3. A party seeking to file under seal “documents produced in discovery” must establish that “good cause” exists. *A.G. v. Oregon Dep’t of Human Servs.* (“DHS”), No. 3:13-CV-1051-AC, 2014 WL 317016, at \*3 (D. Or. Jan. 28, 2014). To determine if “good cause” exists, the Court must balance the interests of non-disclosure against the need for confidentiality. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). A Court may enter an Order sealing documents so long as it finds that good cause exists and “provides a sufficient explanation of its reasoning and the factors it considered.” *Oregon DHS*, 2014 WL 317016, at \*3.

4. Here, good cause exists to allow Plaintiff to file these exhibits under seal. In particular, Plaintiff's exhibits are documents that have been designated as "Confidential" by one of the Parties under the terms of the Stipulated Protective Order. (Dkt. 49.) In entering that Order, the Court has already determined that "there is good cause to protect the confidential nature of certain information" designated as "Confidential" by the Parties. (Dkt. 49 at p.8.)

5. The "Confidential" documents Plaintiff seeks to file under seal include (i) Plaintiff's personal telephone records and Do Not Call Registration, (ii) contact lists used by Defendant to place calls, (iii) Defendant's internal policies, procedures, and training manuals that are not otherwise available to the public, (iv) Defendant's internal communications and complaints received from other individuals, (v) deposition transcripts relating to the above, and (vi) a non-redacted version of the Motion. The Parties' interests in maintaining the confidentiality of (1) personally identifying information of individuals not party to this litigation, (2) proprietary documents regarding Defendant's policies and procedures, and (3) Plaintiff's private telephone records outweigh any competing interests in disclosure of the non-redacted versions of these documents.

6. In compliance with Local Rules 3-7(b), 5-5(b), 26-4(c) and pursuant to the Stipulated Protective Order ¶ 4, Plaintiff has (1) filed a public-record version of the exhibits to the Motion and (2) are now moving the Court for leave to file under seal the non-redacted Motion and the non-redacted version of certain accompanying exhibits in support of the Motion which were designated as "Confidential" by one of the Parties.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting Plaintiff permission to file the aforementioned exhibits to the Motion and non-redacted version of the Motion under seal.

Dated: February 10, 2017

Respectfully Submitted,

**LORI WAKEFIELD**, individually and on behalf of classes of similarly situated individuals,

By: Eve-Lynn J. Rapp

One of Plaintiff's Attorneys

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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I, Eve-Lynn J. Rapp, an attorney, certify that on February 10, 2017 I caused to be served the foregoing by sending copies of such papers by electronic mail to all counsel of record.

Eve-Lynn J. Rapp